

RESPECT SEXUAL EQUALITY DIVERSITY

**G·U·I·D·E
FOR
PUBLIC
ACTION**

AGAINST HOMOPHOBIA

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**RESPECT
SEXUALITY
QUALITY
DIVERSITY**

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The Federal Law to Prevent and Eradicate Discrimination (LFPED)¹ determines that any federal authority must act within its powers to ensure that every person without distinction enjoys the rights and freedoms enshrined in the Mexican Constitution and every law and rule which derives from it. This affects any international agreement to which Mexico is a signatory. (LFPED, article 2).²

This Federal Law also decreed, among other proposals, the creation of the National Council to Prevent Discrimination (Conapred) with the aim of carrying out the necessary action to prevent and eradicate discrimination, as well as formulating and promoting public strategies, to offer equality of treatment and opportunity to people in Mexico. To fulfil this mandate, Conapred designs strategies and promotes programs, projects and actions to prevent and eradicate discrimination (LFPED, articles 17 and 20).

Conapred, with its Guides for Public Action (GPA), provides orientation to public servants to guarantee and protect the right to equality non-discrimination for every member of society, as the Mexican government is responsible for this guarantee. In addition, GPA strategies are also intended for any person interested in the topic.

Based on the above, Conapred presents the *Guide for Public Action Against the Homophobia*, which is focused on the principle of non-discrimination and the respect for and guarantee of human rights, which contributes to the prevention and eradication of homophobia in any given public and federal office.

¹ The LFPED was issued in the Official Journal of the Mexican Federation in June 11th, 2003 and has had two official reforms, in 2007 and 2012.

² This was confirmed by the constitutional reform of 2011, which officially stated and guaranteed the protection of human rights and in any international ascribed policy, in the matter of human rights, which is now official and equally important as the Mexican Constitution.

WHAT IS A GUIDE FOR PUBLIC ACTION (GPA) AND WHAT IS IT FOR?

This guide is designed as a result of public policy focus and it contributes to the validity of a right to non-discrimination and respecting human rights. In addition, it seeks to raise the awareness of public employees and society about specific discrimination problems, with the aim of promoting and fostering the adoption of measures and actions to prevent discrimination and reinforce equality.

The GPA's basic objectives are:

- To give visibility to victims of discrimination such as lesbians, homosexuals, bisexuals, drag queens, transsexuals, transgender, intersexuals and men who have sexual intercourse with other men¹, also referred as people of sexual diversity
- To raise awareness of how homophobia is a problem in all its forms and expressions, how this affects society and how, in order to

¹ We use the concept "men who have sexual intercourse with other men" to refer to men who have any kind of sex, occasional or usual, with other men, and who do not identify themselves as homosexuals or bisexuals, but are also victims of discrimination because of their sexual diversity.

eradicate homophobia, it is necessary to transform important aspects of government structures and institutions, as well as other social aspects

- To promote the recognition of this groups as people with full rights.

Through the raising of awareness about the implications of discriminatory acts in terms of sexual preferences, this GPA claims that in the mid-term public servants will identify practices and omissions which produce homophobia in public policy, rules and regulations with the aim of diminishing the number of cases of discriminatory acts and in order that, from decision-making levels, behaviour and attitudes motivated by sexual preference or gender identity can be confronted and eradicated.

WHY SHOULD WE TAKE PART AGAINST DISCRIMINATION?

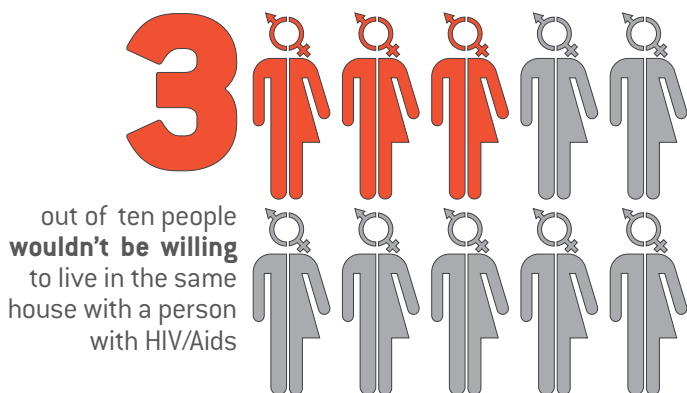
In the legal framework against discrimination in Mexico, which is acknowledged in the 1 article of the Mexican Constitution, the 4 article of the Federal Law to Prevent and Eradicate Discrimination defines discrimination as any distinction, exclusion or restriction which is based on the ethnical or national origin, gender, age, disability, social or economical status, health, pregnancy, language, religion, opinion, sexual preference, marital status or any other state that effectively prevents or eradicate the acknowledgement or exercise of civil and human rights and equality of treatment and opportunity to people in Mexico.

In the 2 article of the LFPED, it is acknowledged that the government is responsible for providing the conditions for people's freedom and equality to be actual and effective. Therefore, public federal authorities are required to eliminate any possible obstacle which limits the exercising of human rights and full development of the people and their participation in political, economic, cultural and social life in Mexico. This also compels the participation of other government areas and private sector to eliminate any obstacles.

WHO IS INTENDED THIS GUIDE FOR?

This guide is intended above all for the public employees in charge of public administration in the labor, educative, health, legal and policing sectors, in either public or federal office. However, it is also expected to be used in the different states and municipalities of Mexico, by officials in the executive, legislative, and judiciary and by autonomous organisations. These groups are responsible for complying with obligations on the subject of human rights as well to manage and reform the legal framework and administrative conditions.

Fight against discrimination is a national and international issue and it is a priority responsibility of the government. However, it also represents a collective task in which the range of social groups who share public space should carry out collective duties to eradicate homophobia.



HOW IS THIS GUIDE INTEGRATED?

In the first chapter, the essential concepts of discrimination and homophobia are analyzed with the aim of socializing those whose actual meaning is unknown in spite of frequent use; in other words, the manner in which sexual diversity groups are integrated is addressed and a timely review is made of the key concepts related to gender identity.

The second chapter deals with discrimination based on the prejudice and stigma of homophobia and the social framework within which this occurs. Plus, the most frequent ways in which discrimination against the sexual diversity population occurs is described, and the collateral problems and consequences for those in this population group who are rejected due to their sexual preference or gender identity.

In the third chapter, we take the aforementioned concepts as a foundation to reflect a little on tolerance and respect as a mean of eradicating homophobia. Additionally, we explain the importance of public employees against homophobia.

As a conclusion, a series of guidelines are outlined which aim to help with both decision-making and defining a course of action in the context of public policy regarding human rights and acting against homophobic attitudes, behaviour, practices and content.

Information contained in the guide is complemented by a glossary at the end of each chapter, which allow it to be easily accessed and handled. Also infographics have been added with data from the National Survey about Discrimination in Mexico. Enadis 2010, which shows how sexual diversity is perceived in Mexico and what should be taken into account when we deal with the topic of homophobia.





WHAT DO WE UNDERSTAND AS SEXUAL DIVERSITY?

BASIC CONCEPTS AND NOTIONS

When we talk of *sexual diversity*, a reference is made to different forms of showing affection, desire, romance and erotic expression as well as assuming identities and preferences which are not limited to that which is known as heterosexuality or to relationships between men and women. That is to say some of the possibilities for assuming and experiencing sexuality is referred to.

The term *sexual diversity* questions the idea there is only one option of having sexual intercourse (the predominant or heterosexual), highlights the existence of many ways to express sexuality and emphasises that none of them should be the object or reason for discrimination, as long as no crime is committed and the integrity and rights of people are respected.

To understand the implications of sexual diversity it is necessary to know three key concepts: a) sexual practices, b) sexual preference, and c) gender identity; however, these terms shouldn't be understood separately or with clear and well-defined limits.

Concerning experiences and individual preferences, it is important to know the notion of *sexual practices*, which are understood as specific choices each person makes to exercise their sexuality, that is to say the choice of the object of their pleasure or desire, without considering the identity they take.

*Preference*² or *sexual orientation*³ refers to sexual or erotic desire orientated preferentially towards women, men or both and it can be described as the following:

- **Bisexual:** Affectionate and/or erotic attraction to other people regardless of their sex or gender.
- **Heterosexual:** Affectionate and/or erotic attraction to people of the opposite sex or to a gender distinct from that which is identified as theirs.
- **Homosexual:** Affectionate and/or erotic attraction to people of the same sex or gender.



² Although the term sexual orientation is more accurate from a scientific point of view and internationally accepted, the Mexican Constitution and LFPED refers to it as sexual preference, which is the reason we use that term in this GPA. We also do this because it is the term widely used in Mexico, unlike other countries; moreover, the use of this term is related to an historic process of vindicating the right to freely practice sexuality encouraged by Mexican sexual diversity communities, understanding that the exercise of any right is a consequence of a decision taken (whatever the reason is: biological, genetical, environmental, for pleasure, experimental, among others) and it is not a "natural" inclination, orientation or tendency.

³ According to the principles of Yogyakarta, sexual orientation is understood as the capacity of each person to feel emotional, affectionate and sexual attraction to people of the opposite or same sex or gender, or more than one sex or gender, as well as the capacity of being intimate and having sexual intercourse with them. These principles were made by an international group of experts in human rights and international law and presented before the Human Rights Council of the United Nations Organization in 2007.

Gender identity refers to a wider field than sexual preference or orientation, because it includes the forms in which people define and present themselves to others. This is the construction of identities related to sexuality and it is a unique and individual process that allows people to construct their personality and feel part of the community they live in; it includes biological, identity and expression aspects related to gender, sexual preference, and ways of expressing and practising desire.

The term 'Gender Identity'⁴ encapsulates a collection of concepts that goes beyond the social sphere, that is to say, sexuality and diversity as well as their expressions also depend on historic, pedagogic, cultural, symbolic or imaginary situations in society. As such, identities assumed by people and the ways they involve themselves sexually and actively is recognized as a result of the elements that makes up their intimacy, as preferences, desires and practices.

With the aim of avoiding misunderstanding, it is important to mention that *transsexuality* is not a sexual preference. Transgenders and transsexuals are those who besides being born with certain biological sex, have an "opposite" identity gender (psychological sex), that is to say, they are biologically men but with a feminine identity or biologically women with a masculine identity, in the manner in which they manifest a discomfort or irritation with their biological sex; this condition is called sex- gender identity discordance. Some transsexual people can radically change their appearance to make it match with their identity, while other can do it in a minor grade or not doing it.

In the same way, *intersexuality* is not related to sexual preference either; this implies the condition in which a person presents atypical genitals , in the way that the distinct features of them thought as humanly male and female are present in variable grades and not always visible, with a unique combination of all these factors. The binary notion of gender in our societies, that is to say that thinking there is only male and female, makes us define our sex from early years onwards, and

june 11,
2003
**The Federal Law
to Prevent and
Eradicate Discrimination
is issued in the Official
Journal of the Federation**

⁴ It is important to indicate this aspect because reassigned sex-gender identity does not determine the condition of "being transsexual".

only based on clinical criteria, which in these cases is particularly problematic due to intersexual people assuming on occasion a gender identity that does not correspond to the assigned sex.

There are many terms that refer to people with different sexual preference or orientation to heterosexual or a gender identity or expression distinct to the gender socially assigned to their birth sex; these can be: *LGBTTTI* community, sexual diversity community, sex/gender dissidence, sexual dissidence, sexual minorities, discriminated sexualities, sexual minority groups, among others. There is also a strong debate to designate which is the best term, but for practical effects, in this *GPA* we use the term *sexual diversity*, and this is understood a set of concepts related to sexual practices and orientations, gender identities and as the political and social term to highlight the situation of discrimination and exclusion of this group.

GLOSSARY

BISEXUALITY. Equal affectionate-erotic attraction and manner of self-identification towards both men and women. This does not imply it will be with the same intensity, simultaneous or indiscriminate.

SEXUAL DIVERSITY. Every possibility to assume and experience sexuality – distinct in each culture and person – practice, orientation and sex/gender identity. It usually refers to non heterosexual practices or identities. It is the recognition that everybody, all feelings and all desires have the right to exist and to be expressed with the only limitation being to respect the rights of others.

GAY. Alternative expression to homosexual, it is preferred due to its political meaning and common use. It is used as a synonym of identity for homo- sexual men, although some women use it as well. It is an identity construction and form of self-labelling.

GENDER. A group of ideas, beliefs and social representations of sexual differences between men and women. This establishes unequal relations of power and a hierarchical order where masculine (being a man) is superior to feminine (being a woman). In addition, it implies historical and sociocultural forms in which men and women build their identity, interact and organize their participation in society.

HOMOSEXUALITY. Practice or desire of sexual-erotic-affectionate relations between people of the same sex. This term took hold in Germany, during the debates about the Prussian sodomy law; then, it was used in England as part of the historical essays that stated the existence of homosexual practices since ancient times.

SEX/GENDER IDENTITY. One's concept and feeling that they are a sexual being. Each person defines it according to their lifestyle, sexual practices or desires, gender identification, sexual preference, attitudes and behaviour.

INTERSEXUAL. When sexual organs are present with both male and female features or structures which are difficult to define or ambiguous acknowledging two sex.

LESBIAN. A woman with sexual-erotic-affectionate-vital relations with women. It is used as a synonym of homosexual female identity. It is an identity construction and form self-identification.

SEXUAL ORIENTATION. Desire or erotic-affectionate attraction to other people. It has a large spectrum of use from exclusive heterosexuality to exclusive homosexuality and it includes diverse forms of bisexuality. It can also manifest itself in different forms of behaviour, thoughts and fantasies or sexual desire, or in a combination of these elements.

SEX. Group of biological, anatomic y physiological differences of human beings which define them as men or women. This includes the evident sexual diversity of external and internal genitals (primary and secondary) and differences related to the function of procreation.

TRANSGENDER. Human condition in which a person has qualities and behaviour of a gender (to be masculine or feminine), that do not correspond with their assigned sex according to social and cultural patterns, due to which this person identifies or adopts those related to the opposite sex. The use of clothing of the opposite gender is the most visible transgender practice.

TRANSSEXUAL. Human condition by which a person, being born with a specific biological sex, has a different gender identity (psychological sex) to the one that corresponds to them. This condition does not depend on whether the sex-gender reassignment occurs or not.





DISCRIMINATION AND SEXUAL DIVERSITY HOMOPHOBIA

PREJUDICE AND STIGMA ISSUES

To understand how discrimination against people of different sexual orientation is produced and reproduced, we need to explain and relate two fundamental concepts through which discriminatory attitudes, behaviour and customs are sustained: prejudice and stigma.

Prejudice is an irrational (thoughtless) predisposition to adopt negative behaviour towards one person in particular or a population group. This is based on an erroneous generalization and rigid view of such persons or groups, and translates into stereotypes. These prejudices tend to be beliefs learnt at home, at school, through religion, at work or other communal spaces in which ideas, fears and phobias of social groups with respect to other persons or groups are expressed. So-called 'common sense', sayings and traditional or conventional thoughts are usually vehicles for prejudice and stereotypes which can lead to the rejection, segregation, restriction or exclusion of a person from public spaces or health, education and employment services, to mention just the most significant impacts.

In this sense, stigma refers to a physical, social, cultural or other form of label which makes a person or group appear different, but also disqualifies and reduces in advance the status of this person in the face of society. This is the case for people of indigenous origin, African descent, diverse sexuality or particularly those with HIV/Aids⁶, among others.

⁶ On December 31st, 2011, according to the estimates and projections of UN Aids, there are in Mexico between 151,438 and 223,704 people living with HIV. Refer to "Vigilancia

Paradoxically, stigmatised people have come to accept subordination and subjection by those who display it as “natural”; on occasion they even start to self-reject. These factors have combined to sustain discriminatory practices such as anti-semitism, racism, sexism, religious intolerance, classism, xenophobia, misogyny and homophobia, among others.

Discrimination, as a social custom, strengthens intolerance of diversity and facilitates abuses of authority. In many cases it promotes the breakup of families and hate between social groups. It is present in every part of life and stems from attitudes of rejection, ridicule, humiliation or use of hurtful or offensive language towards a different person, up to violent reactions which in extreme cases produce *hate crimes*.⁷

For our purpose (*GPA*), the term homophobia is used to refer to every form of discrimination which is expressed through rejection, to ridicule and other forms of violence that causes damage or prejudice people's dignity due to their sexual practices, orientations or identities.

epidemiológica de casos de VIH/Sida en México. Registro Nacional de Casos de sida. Actualización al 31 de diciembre del 2011” [Epidemiological Observation of HIV/Aids cases in Mexico. National Register of Cases of Aids. Updated on December 31st, 2011], Mexico, Aids Census, 2012, available at http://www.censida.salud.gob.mx/descargas/2011/vih_sidapub31dic2011.pdf

⁷ Informe especial de la Comisión Nacional de los Derechos Humanos sobre violaciones a los derechos humanos y delitos cometidos por homofobia (México, Comisión Nacional de los Derechos Humanos, 2010) [Special report of the National Human Rights Commission about human rights violations and homophobic crimes, Mexico, National Human Rights Commission, 2010], showed that between 1995 and 2008 a range of civil society organisations and some government-dependent organisations reported over 628 homicides or hate crimes as a result of homophobia. It is worrying that just 162 of these have been investigated by the justice attorney of the corresponding states.

GLOSSARY

HATE CRIMES. Criminal offence committed against a person, completely or partially motivated by prejudice on the part of the person who committed the crime (due to race, religion, incapacity, sexual orientation, ethnic origin/nationality, among others). **Homophobic hate crime** is understood as an act of violence against a person due to their sexual preference or their sex/gender identity or expression of gender.

DISCRIMINATION. Distinction, exclusion or restriction which — based on ethnic or national origin, gender, age, disability, social or economic condition, health, pregnancy, language, religion, opinions, sexual preferences, civil status or any other factor — limit the recognition or exercising of rights and actual equality of opportunities of the people.

STEREOTYPE. Popular or common sense (subjective) beliefs which assign set models or attributes which characterize a determined population group, based on those beliefs upon which there is basic agreement in relation to physical and mental aspects or behaviour. Stereotypes are negative and tend to impoverish or disfigure reality in accordance with the criteria of a supposed “us”.

STIGMA. Labelling which makes a person appear inferior to the rest and produces social rejection. It is fed by perceptions which lack fundamental logic and reason. In reality stigma is prevalent because of and based on one or more factors, such as age, class, ethnic group, religious beliefs, sexual preference, sexual practices, among others.

PREJUDICE. Notions that, without being supported by a direct experience or evidence, orientate perceptions about a person or group in a negative manner.

HOMOPHOBIA AND HETERONORMATIVITY

Homophobia allows discriminatory customs towards people who have — or supposedly have — sexual relations with people of the same sex, or towards people who assume a gender identity which is distinct from heterosexuality or the gender socially assigned to them at birth. As such, the term *homophobia* is related to those practices involved in the discrimination of lesbian, gay, bisexual, transvestite, transgender, transexual or intersexuals people and men who have sex with other men.

Homophobia reflects how society has established a distinction between that which is considered “normal”, accepted as sexually healthy, and that which is considered “abnormal”, with the concept of homosexuality as a sick, mistaken or problematic sexuality. When a revision of that which is considered “normal” is made from an anthropological perspective, the evident result is that distinctions which permit discrimination are not the same in every society and certain sexual practices are respected in some cultures and repudiated in others.



In Mexico, until the constitutional reform of 2011 there was a legal space which did not explicitly prohibit discrimination based on sexual preference, but the Constitution now expressly states that nobody can be discriminated against for this reason. However acts of discrimination are still present in judicial institutions and bodies of public security, such as police threats or illegal detentions. As a consequence of homophobia, possible cases of *hate crimes* tend to qualify as crimes of passion, the facts are not investigated and every link with what would be considered as a hate crime is broken. Many times the victim is presented as responsible for events due to their appearance or lifestyle.

In order to present homophobia as a process of exclusion and discrimination of people with diverse sexuality, a socio-historical context which shows homoerotic practices as being negative is required. This label is *heteronormativity* which implies looking at heterosexuality as that which should be normal, and also the *a priori* suspicion that any person is heterosexual. In this way, homophobia is not just an irrational prejudice against homosexual people or against people who are considered as such, but also an irrational prejudice against all people who transgress sexual and gender conventions.

When heteronormativity is spoken of, an allusion is made to the existence of traditional norms about sexuality and their social implications in a social system that supposes that there are only two possible forms of expressing sexuality and sexual identity: masculine and feminine. Society instills the idea that healthy or good sexuality is that which is exclusively performed between men and women, above all that which is carried out within marriage, civil or religious, and all the better if it ends in procreation. In this way heterosexuality is presented as absolutely necessary for the functioning of society and as the only valid model of relating sexually intercourse with parenthood, against other identities and sexual practices.

Heteronormativity is sustained by *gender stereotypes* which are concepts and social models of how women and men should behave. These are the starting point from which people are conditioned to comply with social and familiar expectations, and they are located in gender-segregated domains and activities (women in domestic spaces or activities related to family care and men in public spaces, power and activities related to open air or physical or intellectual effort). Moreover, stereotypes imply inequality or disadvantages which restrict access and opportunities due to being biologically female or male, heterosexual or not heterosexual.



As such it is supposed that men should be masculine and comply with their socially assigned gender role: to be providers, to relieve themselves of emotion and demand from themselves confidence, security and virility. At the same time as they display adequate “masculine” clothing, they attribute themselves stereotypical characteristics such as people with paid work or not participating in domestic labour; additionally, they have to be independent, rational, aggressive, dominant and active. On the other hand, society demands that women are feminine, make themselves responsible for the happiness of the couple, their children and the family, as well as domestic labour; there is also a way of dressing that is considered solely “feminine”, and other attributes are demanded such as dependence, insecurity, sentimentality, affectionate and emotional expression, cuteness, submission, passivity and weakness.

In Mexico, heteronormativity, stereotypes and gender roles can be detected in the concept known as *machismo* (machoism), which seeks that the demands and commands for each gender are followed to the letter, promotes limitations based on those roles and maintains the idea that men are superior to women in every aspect.

When places, functions and roles designated by stereotypes and gender roles are altered — such as in the case of people who decide to live openly with a sex/gender identity or preference distinct from heterosexuality — negative reactions are frequently generated which are then explained as the response of society to an alteration to the pre-established order.



Some family behaviour which increase the risk of physical and mental health problems in people of diverse sexuality

- physical violence, verbal assault or nicknames which refer to sexual preference or sex/gender identity
- excluding young people from family activities due to their sexual preference or sex/gender identity
- blaming a boy or girl when they have been discriminated against as a result of their sex/gender identity or sexual preference
- pushing girls to be more “feminine”, or boys to be more “masculine”
- forcing boys or girls to keep their sexual preference a secret from the family and not allowing them to talk about it.

Some family behaviour which reduces the risk of a person with a diverse sexuality having physical or mental health problems and promoting their well-being

- promoting the rights of their son or daughter when they receive any form of bad treatment as a result of their sex/gender identity and demanding that other family members respect them.
- expressing affection when a family member shares their sexual or transgender preference.

- supporting the gay, lesbian or transgender identity of their son or daughter
- receiving gay, lesbian or transgender friends or colleagues of their son or daughter into their home
- supporting the form in which their son or daughter expresses his or her sex/ gender identity.

NOTE CONCERNING THE SPECIFIC SITUATION OF LESBIAN WOMEN

The prevalence of sexism and homophobia in society creates a situation in which bisexual women and lesbians are more vulnerable to violence due to a twofold case of discrimination: for being women and for having a sexual preference other than heterosexual.

Additionally, lesbian women are victims of ill- treatment which does not affect homosexual men or bisexuals, such as being subjected to virginity tests or forced marriage or pregnancy.

As the family and community can control female sexual experience much more easily, lesbians confront greater obstacles when they resist ill-treatment or seek compensation.

The women who feel attracted to other women run the risk of being badly treated in societies where it is considered that they bring “shame” to their families or communities.

GLOSSARY

BIPHOBIA: Rejection, discrimination, ridicule and other forms of violence against bisexual people and practices.

GENDER STEREOTYPES: Preconceived and prejudiced images and representations of how women and men should be, which are shared and reproduced by society. That is why it is said that there is a stereotype about femininity and masculinity which conditions people to comply with social and familial expectations, and places them in separate spaces and activities. Furthermore, this implies inequality and disadvantages that restrict access and opportunities as a result of being biologically women or men, heterosexuals or otherwise.

HETERONORMATIVITY: A collection of “traditional” norms to exercise sexuality, the assignation of identities and gender roles, which establish a system of beliefs that directly relates social behaviour and self-identity with genitals. This is a social construction that responds to a form of conceptualizing love, couple relationships and family.

HOMOPHOBIA: Irrational fear of homosexuality or people with homosexual orientation, or people who appear to be homosexual. It is expressed through rejection, discrimination, ridicule and other forms of human rights violations. It is extended to include rejection of all social expressions which do not comply with traditional gender roles and practices.

GENDER IDENTITY: The way in which each person experiments with how they belong to a gender (masculine or feminine). Because it is a record of life experience, social and cultural codes intervene and influence the historic moment and space in which a person develops.

LESBOPHOBIA: The way homophobia is expressed against lesbian women, their identities or social practices which are identified as being lesbian.

GENDER ROLES: Rules or roles socially assigned to people determined by their biological sex and according to which each sex should behave [woman/feminine-man/masculine].

Each person assumes them or not, as they construct their identity, affection and self-esteem.

SEXISM: Asymmetric value between being a man or a woman, or between masculine and feminine; which generally translates into discriminatory practices against a sex [almost always women] by considering it inferior to the other.

TRANSPHOBIA: Discriminatory expression of rejection, discrimination, ridicule and other forms of violence against people with transgender or transsexual identities, or transvestite practices.



DIVERSE FAMILIES

Current family realities and diversity must be recognized in sociodemographic, economic, cultural and religious terms, as these are the product of the historic and cultural evolution of distinct societies. Nowadays, a family could be made up of fathers and mothers without a partner, by a homosexual, lesbian or bisexual couple, by people engaged in a second marriage, by group or friends or people from different generations.

It is a duty of the State to recognize transformations in society and pay attention to emerging phenomena which have generated transformations in people and families, such

as technological advances; migration; a lower birth rate; an increase in life expectancy; an aging population; changes in the working world (of labor); the growth, employment and income crisis; and social uncertainty, among others.⁸

In this sense, public policies against homophobia and in favour of diverse families should begin with updated diagnostics that collate the latest scientific findings on both diversity and the complexity in which family bonds are built and recognise the new issues affecting families, as well as the transformation in the organization, dynamics, cycle and make up of families.⁹

⁸ [9] The Inter-American Court of Human Rights states in the *Caso Atala Riffo and Niñas vs Chile* sentences in relation to the recognition of other family configurations: “speculations, presumptions, stereotypes or generalized considerations about personal features of the parents or cultural preferences about certain traditional concepts of family are not admissible [...] the risk or damages [without proof, in that case] that the sexual orientation could cause [of the parents to the children] must not be used as an idealistic measure for the restriction of a protected right such as the allowance of exercising all human rights without any discrimination against the sexual orientation of a person [...] considerations based on stereotypes of sexual orientation are not admissible, that is to say preconceptions of attributes, behaviours or features of homosexual people or the impact that those presumptively could have on children”. See Corte IDH, *Caso Atala Riffo y Niñas vs Chile*. Reparaciones y Costas Collection, sentence of the 24th February 2012, series C, number 239, paragraphs 109-111, available in <http://www.corteidh.or.cr/docs/casos/articulos/se-riec_239_esp.pdf>.

⁹ [10] The Population and Household Census [Mexico, National Institute of Statistics and Geography, 2010] states that there are changes in the make up of families or new family arrangements, for the propose of this census families are classified by family nucleus according to conjugal relations, familiar relations, or both types.

Therefore, from the total homes in the census 9.8% are not familiar and 90% are familiar; of the latter, the head of the family lives with their partner [15.5%]; mother or father with children [17.3%] and mother or father with their partner and children in the same household [67.2%], these homes are known as nuclear and represent 70.9% of the total family homes; when other relatives of the head of the family live in the same house, in addition to the main nucleus [parents, uncles, cousins], it is said they are extended homes [26.5%]; and finally compound homes [1.5], which in addition to the nucleus and other relatives there is at least another member unrelated to the head of the family.

However, the Population and Household Census 2010 does not present the corresponding data for the number of families made up of homosexual, lesbian or bisexual couples, second marriage couples, groups of friends, people from different generations or those which do not recognise the existence of a head of the family. Look at “Statistics for the Mexican Family Day”, Mexico, National Institute of Statistics and Geography, 2012, available in <<http://www.inegi.org.mx/inegi/contenidos/español/prensa/Contenidos/estadisticas/2012/familia0.doc>>.



3

FIGHTING HOMOPHOBIA

TOLERANCE OR RESPECT?

A diverse and democratic society must recognize its own prejudices in order to fight them, taking the acknowledgement of the human rights of individuals as a starting point. When we talk about fighting or eradicating discrimination, and particularly when the existence of homophobic practices is pointed out, there is a recurring call to *tolerate* or *respect* what is different. It is, however, necessary to check these terms and the way in which they relate to each other. Only a society where every single person has guaranteed respect of their human rights and access to full citizenship can be considered a fair and democratic society.

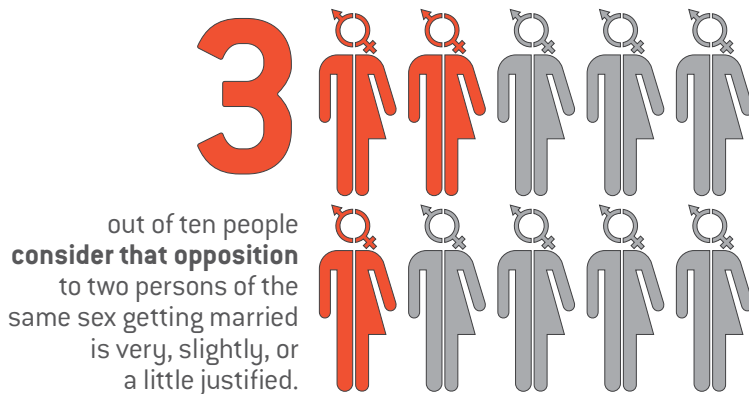
The idea of *tolerance* is understood as a call for attitudes from all people in order that disagreements or differences between two or more groups do not lead to negative situations, such as discrimination and violence, which supposes that the parties involved in the conflict accept the mutual obligation of living with other people. However, the following aspects should be considered when talking about tolerance.

When a certain sector of the population is requested to be tolerant of certain people or groups, in reality a call is being made to maintain the situation as it is, to the preservation of the status quo, since it is expected that the groups who are having differences react passively. This approach does not imply a substantial change to social or institutional structures so that the people and collectives interact among themselves, socialise or establish affectionate bonds, since it is a call that does not intend a change beyond cordial coexistence. When tolerance is not mutual and there is a unilateral attitude from someone who does not tolerate, neither prejudices nor stigmas are eliminated and discriminatory practices may be produced at any time.

Respect is defined as the quality of accepting and understanding the way of being and thinking of others, even if it is not the same as your own. It is also the consideration that

someone has a value by himself /herself which is established in a reciprocal way. In this sense, it is important to talk about respect since it implies, in the first instance, the transformation of prejudices that generate discrimination and, thereafter, the understanding that the other, different person is substantively and normatively equal to oneself: that is, he/she is a person just like me, with the same rights and opportunities. This term means a change in the paradigm of the way of understanding how society is integrated; according to which it is recognized that all the members of a community are equal before the law and society.

The fight against homophobia demands a structural change to modify behavior and allow the emergence of a social and political culture of equality, reciprocity, and respect towards people sexual diversity. Only through respect to others in an equal condition, can the acknowledgement of human rights and fundamental freedoms of others and the acceptance of the fact that people, naturally characterized by their diversity, have the right to live in peace and to be as they are or as they want to be without being discriminated against or stigmatised be reached.



THE IMPORTANCE OF PUBLIC OFFICERS FIGHTING HOMOPHOBIA IN PUBLIC POLICIES

The right to not be discriminated against and to equality of treatment is the responsibility of the Mexican Government, as established in its legal framework, and it is an obligation assumed before the international community through the signature and ratification of diverse international human rights instruments,¹⁰ by virtue of which in Mexico the right to non- discrimination must be respected, guaranteed, protected, satisfied, and promoted within the national territory so that all people have the chance to enjoy and exercise their human rights without any kind of discrimination.

For this reason, it is the public officials' obligation to fight any homophobic practices within government and in the services offered by institutions, with the purpose of advancing towards the effective comparison of rights and conditions among people and affirming the principle of equality as a central value of public policies in a democratic society; thus, in public service the challenge of overcoming imbalance between the life conditions of people through concrete or positive measures must be taken on.

If we recognise that discrimination due to sexual orientation or practices and sexual identity appears in many forms, it is important that public officials fight homophobia, which is present in the attention and provision of services or in the denial of these in public or private institutions to sexually diverse people or to those who presumably belong to these collectives. The attitudes and behaviours of officials and employees are often characterized by indifference, negligence, or open rejection and disdain. This turns out to be clear and serious in the access, exercise, and full enjoyment of the rights to health, education, employment or political participation.

In Mexico, the application of gender perspective has allowed the incorporation of measures that promote equality, as well as the emergence of proposals to fight inequality between men and women, and to promote equality between people and social groups who suffer from inequality and discrimination. Based on some experiences of this perspective, orientation guidelines for the inclusion of the fight against homophobia in the work of public officials can be proposed.

¹⁰ In the section "Judicial Framework" the regulation applicable in Mexico is listed.

The first effort to adopt a perspective that does not reproduce homophobia and prevent its consequences in public policies should start from a reflection about issues such as:

- The acknowledgement of the existence of differences and inequalities experienced by homosexual men, lesbian women, bisexual, transsexual, transvestite, transgender, or intersexual people, and men who have sex with other men in accessing and administering social resources (economical, educational, health, political, and others).
- The importance of transforming institutionalized rules and practices that legitimize direct and indirect forms of homophobic discrimination, as well as the understanding of the harmful effects that the distribution of activities by gender, social class, or sexual identity in a population group can produce.
- The need to give legal recognition and protection by the State to other forms of family configuration.
- The importance of considering that a perspective which is non-homophobic, non-misogynistic and respects diversity in the exercising of public functions contributes to the development of a more democratic and fair society due to:
 - » Complying with the obligations of the Mexican State with respect to human rights and promoting the respect of difference.
 - » Being an appropriate strategy to fight specific forms of social inequality and discrimination experienced by sexual diversity groups.
 - » The State responding to social transformations, and producing laws, which acknowledge social reality and promote a fair society.
 - » Promoting more respectful relations between people, which leads to more democratic societies.
 - » Contributing to reducing effects on the mental health of some of the people of sexual diversity who experience discrimination and violence.
 - » Allowing equal access to institutional services.
 - » Preventing violence towards people of sexually diversity.

In this sense, in the last section of this *Guide for PublicAction* some action proposals for raising societal awareness and the purpose of regulatory, procedural, and institutional behaviour amendments among public officers are included, and they are aimed at the prevention and elimination of discrimination against people of sexual diversity in Mexico.

FREQUENT QUESTIONS ABOUT SEXUAL DIVERSITY IN PUBLIC SERVICE

What is sexual diversity?

It is the set of expressions, preferences or orientations, sexual and gender identities: male or female, heterosexual, homosexual, lesbian, bisexual, transgender, transsexual, transvestite, intersexual people, among others, that exist in the human race.

What does LGBTTTI mean?

It is an acronym that refers to the lesbian, gay, bisexual, transvestite, transexual, transgender and intersexual communities.

Is sexual preference a choice?

No. Human beings cannot choose to be gay, lesbian or heterosexual.

For most people, sexual preference appears at the beginning of adolescence without any previous sexual experience.

Can the sexual preference be cured?

No. Sexual preference is not an illness. It does not require treatment and it cannot be cured.

Is homosexuality a mental illness or an emotional problem?

No. Psychologists, psychiatrists, and other mental health professionals agree that homosexuality is neither an illness or mental disorder nor an emotional problem.

Why does violence against different people exist?

Violence against gays and lesbians originates in the value scale of a society, where generally

masculine is more valued than feminine, men are valued over women, heterosexual persons over homosexuals. The same happens with transvestites, transsexual and transgender people: they are attacked for not respecting the gender norms. Sometimes these values come from beliefs, myths, or religious precepts.

Can a public servant discriminate against a person for being or seeming to be homosexual or for having a different lifestyle?

No. A gay, lesbian, transsexual, transgender, transvestite or intersexual person has the same rights as other people. It is expressly prohibited for any public official to discriminate in the codes of the national legal framework. The punishment for discrimination can be administrative or civil law action.

Can people from the same sex be sanctioned for kissing or showing affection in public?

No, they cannot. Showing affection in public is not a crime in Mexico, either between homosexual people or between heterosexual people. Being arrested for this reason is a violation of human rights.

Are all homosexual and bisexual men infected with HIV?

No. This is a common myth, since everyone can acquire this virus regardless of sexual preference or identity. Actually, the risk of exposure to HIV is related to the person's behaviour, not to his/her sexual orientation. What is important to remember about HIV/AIDS is that contracting the illness (to become infected) is something that can be prevented through safe sex.

Are transvestite people homosexual or gays?

Transvestites are people (men or women) who like clothes, language, and other forms of expression that in certain societies are considered typical of the opposite sex. This behaviour

can be permanent, frequent, or sporadic. Transvestism does not imply being homosexual or viceversa.

Which is the difference between a transsexual and a transgender person?

Transgender is the term for a person who has the need or the desire to change the gender that has been socially assigned to him/her and that is associated to his/her biological sex by birth, so he/she chooses to modify his/her secondary or external sexual characters permanently, although without altering the genital organs (penis or vagina). Transsexual persons are those who, due to necessity, choose to modify their sexual characters permanently in order to adapt their anatomy to their gender identity. Both conditions require adjusting their legal situation to this identity and have permanence in the experience of the gender role they identify themselves with.

Is it the same to say homosexual as gay or lesbian?

Homosexual is the person who feels an erotic and affectionate attraction towards people of his/ her same sex. Gay or lesbian are terms that homosexual men and women use to name themselves. It is recommended that public officers use these two last words.

Can I ask a person if he/she is gay or lesbian?

You should not ask a person about his/her sexual orientation or preference.

What should be done if a public official does not know how to call or refer to a person, since he/she probably is transsexual, transgender or transvestite?

The best option is that the public officers introduces himself/herself and then asks the person his/her name. If the name is ambiguous, then he/she should ask the person if he/she desires to be treated as a man or a woman.

GLOSSARY

HUMAN RIGHTS. Rights inherent to all people without distinction of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other condition. They are universal, interdependent, indivisible, inalienable and progressive.

EQUALITY, The basic principle of human rights that assumes the existence of prerogatives inherent to a person. Beyond the undeniable difference between human beings — because of physical features, intellectual capacity, social class, educational level — the quality of enjoying basic rights makes them equal as people.





4

GUIDELINES TO FIGHT HOMOPHOBIA

Firstly it is imperative that the Mexican Government's perspective on how to do public policies takes into account the right to equal treatment and non-discrimination. This should be a an element which cuts through all policy planning, implementation and evaluation. Inclusion and respect for sexual diversity are essential elements of this perspective.

Below, there are plans of action aimed at combating, preventing and eradicating homophobia in public administration.

COMMON GROUND LEGISLATION AND REGULATIONS TO GUARANTEE HUMAN RIGHTS FOR THE SEXUAL DIVERSITY POPULATION

GENERALISATIONS

- Revise the regulatory framework to identify the legislations and regulations which replicate homophobia, as well as the legal voids and necessary legislation, to respect, guarantee, protect and foster the rights of people of sexual diversity. For this analysis, international standards on the subject will be considered.
- Reform state constitutions to include the prohibition of discrimination motivated by sexual preference and identity in line with the reform of the 1st article of the Political Constitution of the United States of Mexico in June 2011.
- Modify the decree which nominates and establishes the commemoration of the 'Day of Tolerance and Respect for Preferences' every year on May 17 than change

it to the 'National Day against Homophobia'. Promote the creation of laws against discrimination in federal entities, which includes the explicit prohibition of discrimination motivated by any sexual preference. Harmonize national legislation and regulations with international ones indicated by the Principles of Yakarta and Sexual Health Decree for the Millennium, which constitutes the guideline for applying international standards on the subject.

SPECIFICATIONS

- Modify labour legislation, in particular the Federal Law of Labor and the Federal Law of Responsibilities of Public officers Servants, to prohibit discrimination due to sexual preference or identity of public employees in all departments. Specifically, regulations must be reformed as well as guidelines which had discriminatory elements such as *the impossibility of extending benefits to couples who belong to this population group*.
- On the matter of health, revise and modify regulations and guidelines which had discriminatory elements, such as *the exclusion of people of sexual diversity from donating blood due to their sexual practices mentioned in the NOM-003-SSa2-1993*.
- Include general clauses for non-discrimination – for sexual diversity in medical expenses and life insurance policies in particular – in Insurance Contract Law, specifically in its third title about the Special Dispositions of the Insurance Contract of beneficiaries.
- Classify as an aggravating circumstance any crime which is motivated by reasons of hate against people of sexual diversity due to their sex/gender identity or condition.
- Recognize the legal personality of transgender and transsexuals through legislative reforms to the civil and penal codes and revise the regulations of civil procedures at State level.
- Reform the civil codes and local constitutions to legalise marriage and adoption by couples with the same sex (homoparental families).
- Modify the Organic Law of the Mexican Army and Air Force, the Organic Law of the Mexican Navy and the Law on the Social Security Institute for the Mexican Armed Force to guarantee the rights of the people in the army who live with HIV/AIDS.

ACTIONS TO INFLUENCE PUBLIC POLICY AGAINST HOMOPHOBIA

In the development of programmes and public services guidelines

GENERALIZATIONS

- Survey the population of sexual diversity to become familiar its situation, protect the obtained data and guarantee that its use will be limited to: the design of public policies and enrichment of the projects or initiatives of public institutions who aim to solve the social inequalities which these communities experience. Develop diagnostics to detect internal institutional practices which generate and reproduce homophobia, and develop mechanisms to prevent and eliminate it at all government levels (municipal, state and federal, as well as the executive, legislature and judiciary).
- Establish objective indicators in public institutions which provide attention to victims of crime and offer statistical data of violations and crimes perpetrated against the sexual diversity population to achieve its complete prevention and gradual eradication. Supervise the design of programs and actions for the social and economical development of the population (in their operation regulations or standard guidelines), in which there is absolutely no practical or possible discrimination against people of sexual diversity. Incorporate in the design, implementation and evaluation of public policies the participation of affected people of sexual diversity.
- Establish coordination mechanisms among governmental departments, civil society organizations and academic institutions to monitor the compliance and evaluation of policies in order to guarantee the respect of the human rights of people of sexual diversity.
- Design public policies to help the integration of people of sexual diversity with a perspective which includes the common criteria and needs of other disadvantaged population groups and takes into account the aggravating effects of multiple discrimination.
- Include in codes of conduct and ethics within public institutions the obligation to treat people of sexual diversity without discrimination.

- Provide measures to guarantee equal and dignified treatment, and non-discriminatory behaviour in government departments to every user regardless of their sex/gender identity.
- Respect the sex/gender identity of people of diverse sexuality in the service of any public institution or department, without ill-treatment because of phobias and stigmas due to their physical appearance, in particular transgender people.

SPECIFICATIONS

- Guarantee that the Public Prosecution's Office exercises its functions in a non-discriminatory fashion, through the creation of protocols for specific procedures to arrest people of sexual diversity and bring them before the judicial authorities, and for the purpose of protecting their dignity, integrity and human rights, from a perspective of equal treatment and the principle of non-discrimination.
- In matters of public security, design specific guidelines to explicitly prohibit citizens' security forces from arbitrarily arresting people of sexual diversity because of their appearance or public expressions of affection.
- Look for alternative forms of managing transsexuals with a custodial sentence or in detention in any the institution of the penitentiary system, to protect their human rights and also apply other means to achieve the reintegration of the sentenced person into society. This should include the benefits that the law provides like transferring a person to a penitentiary institution in accordance to their sexual or gender identity or condition.
- Develop protocols in penitentiary systems that protect and acknowledge the right of people of sexual diversity to receive conjugal visits, particularly in the case of transsexual and transgender people.
- Develop procedures so that identity documents which indicate the gender or sex of a person – birth certificate, passport, voter card, unique registry key (*CURP*) and other documents – specify the sexual or gender identity which the person uses to self-identify. Concerning health, guarantee the right of confidentiality related to HIV/AIDS status so that it may not be disclosed to any third party without consent.
- Promote the equal treatment of people of sexual diversity by health staff to prevent the practise of stigmatised procedures due to their appearance or sexual preference.

- Develop public health campaigns specifically designed for the transgender and transsexual population to promptly inform them about the consequences of risky practices to transform their bodies, without having any intention to stigmatise or discriminate, but in accordance with their right to receive the necessary information to take care of their health.
- Clearly establish the labour regulation of the public administration to prevent discrimination due to sexual preference and sexual or gender identity by means of guidelines which take into account people's skills and knowledge and not their appearance or sexual preference.

SENSITIVITY, TRAINING, PROMOTION AND EDUCATION

- Raise the awareness of public employees at every level about the necessity to promote the right to be treated appropriately and with dignity for people of sexual diversity, especially those officials who have direct contact with the users in paperwork procedures and public service.
- Develop training courses for public employees in which awareness of this standard is promoted as well as the strengthening of competencies for the consolidation of respectful practices for the rights of people of sexual diversity.
- Promote training courses and workshops among government departments, legislative bodies, the judiciary and autonomous organisations to raise awareness of this topic.
- Sensitise and train the health staff about the rights of the people discriminated against due to their sexual preference as well as people infected with HIV/AIDS. Recognise the existence of homophobic practices in all social environments and organise prevention campaigns.
- Guarantee that any public campaign will not contain sexist or homophobic language.
- Disseminate information related to the national and international regulatory framework which guarantees the principle of non-discrimination in matters of sexual preference or identity in all government institutions, emphasizing respect for the exercising of rights and the use of guarantees for everybody.

- Ensure that in the processes of institutional communications, references made to minority groups should always refer to them respectfully and avoid any personal assessments or prejudice.
- Implement permanent educational campaigns to allow people to understand the importance of the respect of human rights and that social coexistence is guided by a model of integration where all people, regardless of their sexual preference, enjoy equal opportunities and treatment in the institutions of the State.
- Promote the creation of a code of conduct or protocol against homophobia to apply to all ways of communication.
- Revise and direct formal education given by the Mexican government towards knowledge and respect of the social diversity in our country, including sexuality, which mustn't only be a topic for sexual education or health. Include the topic of sexual diversity in school textbooks within the framework of an open sex education without prejudice and discrimination. This approach must recognise, respect, protect and foster the human rights of the sexual diversity population.
- Include the principle of equal treatment and non- discrimination in teacher training from the Ministry of Public Education (*SEP*) and further courses for teachers, especially towards the LGBTTTI community. Reinforce strategies against school harassment motivated by sexual preference or identity and gender appearance.
- Promote and incentivize investigation in academic institutions about sexual diversity. This research should foster the study, divulgence and transparency of the present situation of the sexual diversity communities related to equality and human rights.
- Promote among the people who have experienced discrimination by the public service the report of these events to Conapred and their consultative advice (if they have one).

FINAL CONCLUSIONS:

Recently, many countries have approved legislation to guarantee full access to exercise the civil rights of the citizens. In relation to sexual diversity groups, some countries have modified their laws within the framework of human rights to allow same sex marriage, child adoption for lesbian and homosexual couples and the recognition of the homoparental families; some other countries have guaranteed the right of transsexuals to change their gender.

In Mexico, the Civil Code has only been modified in Mexico City to allow universal marriage, in other words the right to marry someone regardless of their sex, as well as adoption by lesbian or gay couples. In addition, the laws of the Sex and Gender Coexistence and Agreement Society have been approved as a way of supporting the transsexual community. In the local Congress of Coahuila the legal concept of a civil pact of solidarity was approved; however, this type of reform faces resistance in many institutional areas due to the permanence of a judicial-institutional framework which considers marriage as the union between a woman and a man, and hasn't been modified as a result of the constitutional reforms which prohibit discrimination based on sexual preference.

In terms of the effective and full exercise of citizenship, only a starting point of access to and respect for human rights and guarantees will contribute to change in society and ensure the principles of equality and equity, as well as the right to non-discrimination for those who assume an identity such as lesbian, bisexual, transsexual, transgender, transvestite or intersexual, and men who have sex with other men. Without these conditions, we cannot protect fundamental liberties, human dignity and physical integrity of the people who belong to these groups.

LEGAL

NATIONAL & INTERNATIONAL LEGAL FRAMEWORK THAT PROTECTS THE RIGHTS OF SEXUAL DIVERSITY GROUPS

NATIONAL

- **Constitución Política de los Estados Unidos Mexicanos (Political Constitution of the United Mexican State)**
<<http://www.diputados.gob.mx/LeyesBiblio/pdf/1.pdf>>
- **Ley Federal para Prevenir y Eliminar la Discriminación (Federal Law to Prevent and Eliminate Discrimination) (2003)**
<<http://www.diputados.gob.mx/LeyesBiblio/pdf/262.pdf>>
- **Ley para la Protección de los Derechos de Niñas, Niños y Adolescentes (Rights of Children and Youths Protection Law) (2000)**
<<http://www.diputados.gob.mx/LeyesBiblio/doc/185.doc>>
- **Ley General para la Igualdad entre Mujeres y Hombres (General Law for Equality between Women and Men) (2006)**
<<http://www.diputados.gob.mx/LeyesBiblio/pdf/LGIMH.pdf>>
- **Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (General Law for Women's right to a Life Free of Violence) (2007)**
<<http://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV.pdf>>
- **Decreto por el que se declara Día de la Tolerancia y el Respeto a las Preferencias el 17 de mayo de cada año (Decree that May 17th of each year is declared 'Day of Tolerance and Respect of Preferences') (2010)**
<http://dof.gob.mx/nota_detalle.php?codigo=5142957&fecha=17/05/2010>
- **Decreto por el que se declara el 19 de octubre de cada año como Día Nacional contra la Discriminación (Decree that October 19th of each year is declared 'National Day against Discrimination') (2010)**
<http://www.dof.gob.mx/nota_detalle.php?codigo=5163695&fecha=19/10/2010>

INTERNATIONAL

UN

- **Pacto Internacional de Derechos Económicos, Sociales y Culturales (International Pact of Economic, Social and Cultural Rights) (1966)**
<<http://www2.ohchr.org/spanish/law/cescr.htm>>
- **Pacto Internacional de Derechos Civiles y Políticos (International Pact of Civil and Political Rights) (1966)**
<<http://www2.ohchr.org/spanish/law/ccpr.htm>>
- **Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer (Convention on the Elimination of all Forms of Discrimination against Women) (1979)**
<http://www.cinu.org.mx/biblioteca/documentos/dh/c_elim_disc_mutxt.htm>
- **Convención sobre los Derechos del Niño (Children's Rights Convention) (1989)**
<<http://www2.ohchr.org/spanish/law/crc.htm>>
- **Declaración Universal de Derechos Humanos (Universal Human Rights Declaration) (1948)**
<<http://www.un.org/es/documents/udhr/>>
- **Declaración sobre Derechos Humanos, Orientación Sexual e Identidad de Género del Consejo de Derechos Humanos de las Naciones Unidas (Declaration Human Rights, Sexual Orientation, Gender Identity of the United Nations Human Rights Council Declaration) (2011)**
<<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/148/79/PDF/G1114879.pdf?OpenElement>>

OAS

- **Convención Americana sobre Derechos Humanos o Pacto de San José (American Convention on Human Rights and San José Pact) (1969)**
<<http://www.oas.org/juridico/spanish/tratados/b-32.html>>
- **Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer o Convención de Belém do Pará (Interamerican Convention for the Prevention, Sanction and Eradication of Violence against Women /Belém do Pará Convention) (1994)**

<<http://www.oas.org/juridico/spanish/tratados/a-61.html>>

- **Resolución de la OEA respecto a los Derechos Humanos, Orientación Sexual e Identidad de Género (Resolution of the OAS regarding Human Rights, Sexual Orientation and Gender Identity) (2008)**
<http://www.oas.org/dil/esp/AG-RES_2435_XXXVIII-0-08.pdf>
- **Resolución de la OEA respecto a los Derechos Humanos, Orientación Sexual e Identidad de Género (Resolution of the OAS regarding Human Rights, Sexual Orientation and Gender Identity) (2009)**
<http://www.oas.org/dil/esp/AG-RES_2504_XXXIX-0-09.pdf>
- **Resolución de la OEA respecto a los Derechos Humanos, Orientación Sexual e Identidad de Género (Resolution of the OAS regarding Human Rights, Sexual Orientation and Gender Identity) (2010)**
<http://www.oas.org/dil/esp/AG-RES_2600_XL-0-10_esp.pdf>
- **Resolución de la OEA respecto a los Derechos Humanos, Orientación Sexual e Identidad de Género (Resolution of the OAS regarding Human Rights, Sexual Orientation and Gender Identity) (2011)**
<http://www.oas.org/dil/esp/AG-RES_2653_XLI-0-11_esp.pdf>

Other relevant documents

- **Principios de Yakarta (Yakarta Principles) (2006)**
<http://www.oas.org/dil/esp/orientacion_sexual_Principios_de_Yogyakarta_2006.pdf>
- **Declaración Salud Sexual para el Milenio (Millennium Declaration of Sexual Health) (2007)**
<<http://www.worldsexualhealth.org/sites/default/files/Salud%20Sexual%20para%20el%20Milenio.pdf>>

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